

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Michael Whelan and Mary Anne Whelan, Husband and Wife
9267 Angus Place
Philadelphia, Pennsylvania 19114

Address of Defendant: See attached List

Place of Accident, incident or Transaction: Various

(Use Reverse Side for Additional Space)

Does this case involve multidistrict litigation possibilities? Yes ☒ No ☐

RELATED CASE IF ANY

Case Number: 01-CV-5981 Judge Date Terminated: N/A

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes ☒ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes ☐ No ☒

CIVIL: (Place an ☒ in **ONE CATEGORY ONLY**)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act — Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
(please specify)-Related to Chapter 11 Filing

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate category)

I, _____, counsel of record do hereby cert

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this case exceed the sum of \$150,000 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____ Attorney-at-Law Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: _____ Attorney-at-Law Attorney I.D.#

Defendants (Names and Addresses):

DaimlerChrysler Corporation
1000 Chrysler Drive
Auburn Hills, MI 48326-2766

Ford Motor Company
Parklane Towers West
Suite 1500
Three Parklane Boulevard
Dearborn, MI 48126-2568

General Motors Corporation
400 Renaissance Center
P.O. Box 400
Detroit, MI 48265-4000

Federal-Mogul Global, Inc., individually and/or as parent company, successor in interest, or indemnitor to or of:

Fel-Pro, Inc.,

Ferodo America, Inc.,

Gasket Holdings, Inc., formerly known as Flexitallic Gasket Company,

Moog Automotive Inc., formerly known as Wagner Electric Corporation,

Pneumo Abex Corp., or

T&N plc.

2655 Northwestern Highway
Southfield, MI 48034

CIVIL COVER SHEET

JS44

(Rev. 12/96)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

Michael Whelan and Mary Anne Whelan, Husband and Wife

DEFENDANTS

SEE ATTACHED

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Lawrence R. Cohan, Esquire
Anapol, Schwartz, Weiss, Cohan, Feldman & Smalley
1900 Delancey Place
Philadelphia, PA 19103
(215) 790-4567

ATTORNEYS (IF KNOWN)

Lavin, Coleman, O'Neil, Ricci, Finarelli & Gray
Penn Mutual Tower
510 Walnut Street - Suite 1000
Philadelphia, PA 19106
(215) 627-0303

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|----------------------------|--------------------------------|---|----------------------------|--------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Action for personal injury for asbestos exposure against Federal-Mogul Global, Inc., or companies it purchased and removing defendants, removed pursuant to 28 U.S.C. § 1452(a).

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 442 Appeal <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	
	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input checked="" type="checkbox"/> 368 Asbestos Personal Injury Product Liability	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 520 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Other	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (139ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	
			FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS Third Party 26 USC 7609	

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify) _____
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A
☐ UNDER F.R.C.P. 23

CLASS ACTION**DEMAND \$**

In Excess of \$50,000.00

Check YES only if demanded in complaint:

JURY DEMAND ☒ YES ☐ NO**VIII. RELATED CASE(S) (See instructions): IF ANY**

JUDGE

DOCKET NUMBER 01-CV-5981

DATE: July 22, 2002 SIGNATURE OF ATTORNEY OF RECORD

Edward T. Finch, Esquire

RECEIPT# _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Defendants (Names and Addresses):

DaimlerChrysler Corporation
1000 Chrysler Drive
Auburn Hills, MI 48326-2766

Ford Motor Company
Parklane Towers West
Suite 1500
Three Parklane Boulevard
Dearborn, MI 48126-2568

General Motors Corporation
400 Renaissance Center
P.O. Box 400
Detroit, MI 48265-4000

Federal-Mogul Global, Inc., individually and/or as parent company, successor in interest, or indemnitor to or of:

Fel-Pro, Inc.,

Ferodo America, Inc.,

Gasket Holdings, Inc., formerly known as Flexitallic Gasket Company,

Moog Automotive Inc., formerly known as Wagner Electric Corporation,

Pneumo Abex Corp., or

T&N plc.

2655 Northwestern Highway
Southfield, MI 48034

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

MICHAEL WHELAN and MARY ANNE WHELAN,
Husband and Wife

CASE NO.

V.

DAIMLERCHRYSLER CORPORATION
FORD MOTOR COMPANY
GENERAL MOTORS CORPORATION
FEDERAL-MOGUL GLOBAL, INC.

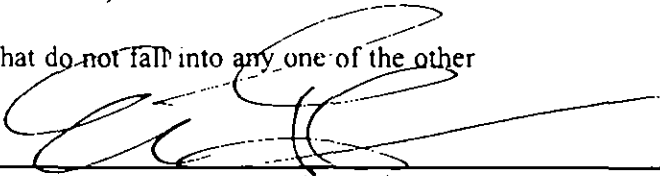
In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See §1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2441 through §2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 8. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. (X)
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

July 22, 2002

(Date)



Attorney-at-law

Edward T. Finch, Esquire

Attorney For

DaimlerChrysler Corporation, Ford Motor Company and General
Motors Corporation

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL WHELAN and MARY ANNE CASE NO.
WHELAN, Husband and Wife

V.

DAIMLERCHRYSLER CORPORATION
FORD MOTOR COMPANY
GENERAL MOTORS CORPORATION
FEDERAL-MOGUL GLOBAL, INC.

NOTICE OF REMOVAL

Defendants DaimlerChrysler Corporation, Ford Motor Company and General Motors Corporation (the "automobile manufacturers") hereby give notice of the removal to the United States District Court for the Eastern District of Pennsylvania of the claims which have been asserted against them in the action captioned Michael Whelan and Mary Anne Whelan, Husband and Wife v. Pneumo Abex Corporation, as successor in interest to Abex Corporation, et al. now pending in the Court of Common Pleas of Bucks County, at No. 02-90106. This Notice of Removal is filed pursuant to 28 U.S.C. § 1452(a), and as grounds for removal the automobile manufacturers state the following:

1. The action of which the removed claims are a part was commenced in the Court of Common Pleas of Bucks County.
2. The removed claims are those for personal injury or wrongful death asserted against the automobile manufacturers on the basis of alleged exposure to certain of their asbestos-containing products, including brakes and other automotive parts, manufactured for the automobile

manufacturers by Federal-Mogul Global, Inc., or companies that it purchased, one or more of which is a co-defendant of the automobile manufacturers.

3. On October 1, 2001 Federal-Mogul Global, Inc. filed a voluntary petition for protection under Chapter 11 of the United States Bankruptcy Code, commencing bankruptcy case number 01-10578 (the "Federal-Mogul Bankruptcy Case") currently pending in the United States Bankruptcy Court for the District of Delaware.

4. The removed claims may be removed to this Court pursuant to 28 U.S.C. § 1452(a): (i) the removed claims are asserted in a civil action not exempt from removal; and (ii) the Court has jurisdiction of the removed claims under 28 U.S.C. § 1334. All claims asserted against the Removing Defendants are related to the Federal-Mogul Bankruptcy Case, and the continued prosecution, outcome at trial or other resolution of the claims will have an effect on the administration of the Federal-Mogul Bankruptcy Case.

5. Removal to this Court is timely pursuant to Federal Rule of Bankruptcy Procedure 9027(a)(3) in that the Federal-Mogul Bankruptcy Case was pending when the removed claims were asserted on or after October 1, 2001 and in that this notice has been filed within 30 days of receipt by one or all of the automobile manufacturers of a copy of the initial pleading setting forth the removed claims.

6. Upon removal, the proceedings with respect to the removed claims are non-core. The automobile manufacturers do not consent to entry of a final order or judgment by the bankruptcy judge to the extent the bankruptcy court is authorized to hear or determine such claims consistent with 28 U.S.C. § 157(b)(5).

7. The purpose of removal is to facilitate transfer of the removed claims to the United States District Court for the District of Delaware, the district court presiding over the Federal-Mogul Bankruptcy Case, to resolve on a consolidated basis the common threshold scientific issues concerning whether brakes and other automotive parts cause disease. *See, e.g., In re Dow Corning Corp.*, 1995 W.L. 495978, at *2 (Bankr. E.D. Mich. Aug. 9, 1995) (personal injury tort claims transferred to bankruptcy court pursuant to 28 U.S.C. § 157(b)(5) to resolve threshold scientific issues concerning whether silicone breast implants caused disease after removal to federal court pursuant to 28 U.S.C. § 1452(a)).

8. On November 20, 2001, the automobile manufacturers filed in the Federal-Mogul Bankruptcy Case a motion pursuant to 28 U.S.C. § 157(b)(5) to transfer this and all other claims related to brakes and automotive parts for consolidated resolution of the threshold scientific issues concerning whether brakes and other automotive parts cause disease.

9. On December 10, 2001 the Honorable Alfred M. Wolin issued the attached Order provisionally transferring pursuant to 28 U.S.C. § 157(b)(5) the claims asserted against the automobile manufacturers to the United States District Court for the District of Delaware.

10. On January 3, 2002, Judge Wolin issued a letter opinion and order reiterating that all asbestos friction claims against the automobile manufacturers pending in federal courts as of December 10 had been transferred, and ordering any claims removed after December 10 transferred as well. A copy of the Order and Opinion are attached to this Notice.

11. On February 8, 2002, the Honorable Alfred M. Wolin denied the "Motions to Transfer the 'Friction Claims'" and simultaneously remanded the friction products claims. Attached hereto is a copy of said Order.

12. However, on February 11, 2002, the United States Court of Appeals for the Third Circuit granted a Temporary Stay of Judge Wolin's February 8, 2002 Court Order so that the matter could be considered by a three-judge panel of that court. Attached hereto is a copy of said Order.

13. The Removing Defendants file this Notice of Removal to adequately protect the interests of Removing Defendants and to facilitate transfer of these claims to the United States District Court for the District of Delaware pursuant to Judge Wolin's provisional transfer order.

14. The automobile manufacturers will comply with 28 U.S.C. § 1446(d) by promptly giving notice of the filing of this Notice of Removal to all adverse parties to the action pending in the state court and filing a copy of this Notice of Removal with the prothonotary of the Court of Common Pleas of Bucks County.

Respectfully submitted,

LAVIN, COLEMAN, O'NEIL, RICCI,
FINARELLI & GRAY

BY: 

Edward T. Finch, Esquire
Attorney for Defendants,
DaimlerChrysler Corporation,
Ford Motor Company and
General Motors Corporation

CERTIFICATE OF SERVICE

I, Edward T. Finch, Esquire, hereby certify that pursuant to 28 U.S.C. § 1446(d) written notice of the removal of this action will be promptly given to all adverse parties and a copy of the Notice of Removal will be filed with the Court of Common Pleas.

A handwritten signature in black ink, appearing to be 'E. Finch', written over a horizontal line.

Edward T. Finch, Esquire

COPY

ANAPOL, SCHWARTZ, WEISS, COHAN, FELDMAN & SMALLEY

BY: LAWRENCE R. COHAN, ESQUIRE
THOMAS R. ANAPOL, ESQUIRE
MIRIAM B. BARISH, ESQUIRE
HEATHER J. LIPSON, ESQUIRE
MARGARET A. BARRY, ESQUIRE

I.D. NOS.: 30546; 62121; 72622; 80914, 44056
1900 Delancey Place
Philadelphia, PA 19103
(215) 790-4567

MICHAEL WHELAN and MARY ANNE WHELAN, :
Husband and Wife :
9267 Angus Place :
Philadelphia, Pennsylvania 19114 :

vs. :

485 PNEUMO ABEX CORPORATION, as :
successor in interest to Abex Corporation, et al :

COURT OF COMMON PLEAS
BUCKS COUNTY, PA

ASBESTOS CASE

JURY TRIAL DEMANDED

NO. 02-90106

COMPLAINT

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE. GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted. LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE

BUCKS COUNTY ASSOCIATION
135 E. State Street
Doylestown, PA 18901
(215) 348-9413

11 16 21 NOV 2002

RECEIVED
CLERK OF COURT
BUCKS COUNTY, PA
NOV 16 2002

DEFENDANTS' ADDRESSES

Pneumo Abex Corporation
c/o prentice hall corporation
2704 Commerce Drive, Suite B
Harrisburg, PA 17110
(DAUPHIN COUNTY)

A-Best Products Company
c/o Carolyn Cappel, Esquire
Westin, Hurd, Fallon, Paisely & Howley
2500 Terminal Tower
50 Public Square
Cleveland, Ohio 44113-2241

A.C. & S. Inc.
P.O. Box 1548
120 N. Lime Street
Lancaster, PA 17602
(LANCASTER COUNTY)

A.W. Chesterton, Inc.
Route 93, Middlesex
Stoneham, MA 02180

Allied Signal, Inc.
P.O. Box 2245 R
Morristown, New Jersey 07960

Brand Insulations, Inc.
c/o C.T. Corporation Systems
Registered Agent
208 South LaSalle
Chicago, Illinois 60604

Combustion Engineering Co., Inc.
c/o Christine L. Astin, Claims Analyst
CVCSC, Inc.
525 Brook Street
Rocky Hill, CT 06067-0950

Congoleum Corporation
3705 Quakerbridge Road, Suite 211
Trenton, New Jersey 08619

Crown, Cork & Seal Company
One Crown Way
Philadelphia, PA 19154
(PHILADELPHIA COUNTY)

DaimlerChrysler Corporation
1000 Chrysler Drive
Auburn Hills, Michigan 48326

Ford Motor Company
c/o John Rintamaki
1037 The American Road
Dearborn, Michigan 48121

Foster Wheeler Corporation
Perryville Corporate Park
Clinton, New Jersey 08009-4000

Garlock, Inc.
One Marine Midland Plaza
Suite 1830
Rochester, New York 14604-2415

General Motors Corporation
c/o C.T. Corporation Systems
1515 Market Street
Philadelphia, PA 19102
(PHILADELPHIA, COUNTY)



Georgia-Pacific Corporation
c/o C.T. Corporation Systems
1515 Market Street
Philadelphia, PA 19102
(PHILADELPHIA COUNTY)

Honeywell International, Inc.
P.O. Box 4000
Morristown, New Jersey 07962

IMO Industries, Inc.
997 Lenox Drive, Suite 111
Building Four West
Lawrenceville, New Jersey 08648

Magnetek, Inc.
26 Century Boulevard, Suite 600
Nashville, TN 37214-4602

Maremont Corporation
One Noblitt Plaza
Columbus IN 47201

Metropolitan Life Insurance Company
1 Madison Avenue
New York, New York 10010

Minnesota Mining & Mfg. Co.
3 M Center
St. Paul, MN 55101

Owens Illinois, Inc.
One Sea Gate
Toledo, OH 43604

Palmetto Products
c/o Green Tweed & Company
Detwiler Road
Kulpsville, PA 19443
(MONTGOMERY COUNTY)

Pfizer, Inc.
235 East 42nd Street
New York, New York 10017

Rapid American Corporation
c/o Prentice Hall
2711 Centerville Road, Suite 400
Wilmington, Delaware 19808-1645

Uniroyal, Inc.
70 Great Hill Road
Naugatuck, CT 06770

ANAPOL, SCHWARTZ, WEISS, COHAN, FELDMAN & SMALLEY

BY: LAWRENCE R. COHAN, ESQUIRE
 THOMAS R. ANAPOL, ESQUIRE
 MIRIAM B. BARISH, ESQUIRE
 HEATHER J. LIPSON, ESQUIRE
 MARGARET A. BARRY, ESQUIRE

I.D. NOS.: 30546; 62121; 72622; 80914; 44056
 1900 Delancey Place
 Philadelphia, PA 19103
 (215) 790-4567

MICHAEL WHELAN and MARY ANNE WHELAN,
 Husband and Wife
 9267 Angus Place
 Philadelphia, Pennsylvania 19114

vs.

COURT OF COMMON PLEAS
 BUCKS COUNTY, PA

ASBESTOS CASE

JURY TRIAL DEMANDED

485 PNEUMO ABEX CORPORATION, as
 successor in interest to Abex Corporation;
 1 A-BEST PRODUCTS COMPANY;
 4 A.C. & S., INC.;
 29 A.W. CHESTERTON, INC.;
 242 ALLIED SIGNAL, INC.;
 41 BRAND INSULATIONS, INC.;
 68 COMBUSTION ENGINEERING CO., INC.;
 186 CONGOLEUM CORPORATION;
 72 CROWN, CORK & SEAL COMPANY;
 62 DAIMLERCHRYSLER CORPORATION;
 245 FORD MOTOR COMPANY;
 105 FOSTER WHEELER CORPORATION;
 108 GARLOCK, INC.;
 116 GEORGLA PACIFIC CORPORATION;
 110 GENERAL MOTORS CORPORATION;
 HONEYWELL INTERNATIONAL, INC.,
 as successor in interest to Allied Signal, Inc.;
 478 IMO INDUSTRIES, INC., as successor in
 interest to and f/k/a DeLaval Turbine,
 Transamerica DeLaval and Imo DeLaval;
 150 MAREMONT CORPORATION;
 305 MINNESOTA MINING & MFG. COMPANY;
 171 OWENS ILLINOIS, INC.;
 PALMETTO PRODUCTS, a division of
 Green Tweed & Company;
 180 PFIZER, INC.;
 424 RAPID AMERICAN CORPORATION;
 220 UNIROYAL, INC.;
 226 MAGNETEK, INC.;
 481 METROPOLITAN LIFE INSURANCE CO.

NO.

COMPLAINT

Pursuant to an Order dated February 3, 1989, signed by the Honorable Issac S. Garb, President Judge, the following Short Form Complaint is utilized in this asbestos action. Plaintiffs hereby incorporate the Amended Master Long Form Complaint as fully as if that document was set forth at length herein including, but not limited to:

- Count I - (Negligence and Outrageous Conduct)
- Count II - (Strict Liability)
- Count III - (Conspiracy)
- Count IV - (Breach of Warranty)
- Count V - (Damages)
- Count VI - (Loss of Consortium)

1. The Plaintiffs in the instant matter are:

- a. Michael Whelan (Plaintiff-worker)
9267 Angus Place
Philadelphia, Pennsylvania 19114

Social Security No. 202-28-9304
Date of Birth: October 24, 1937

- b. Mary Anne Whelan (Wife-plaintiff)
(Same address as Plaintiff-worker)

2. The Defendants in the instant matter are those listed in the above caption.

3. The Defendants in the instant matter are those listed in the above captioned.

In addition, Plaintiff has named Defendant, RAPID AMERICAN CORPORATION, which was not named in Plaintiffs' Master General Long Form Complaint, No. 89-90000-11-2.

Defendant, RAPID AMERICAN CORPORATION, as successor in interest to Philip Carey Corporation, is a corporation whose registered agent address for process of

serving is, Prentice Hall, 2711 Centerville Road, Wilmington, Delaware 19808, which is doing business in the Commonwealth of Pennsylvania. At all times material hereto, Defendant, RAPID AMERICAN, manufactured, produced and sold, either directly and indirectly, in the geographical area in which Plaintiff worked, and/or to employers of the Plaintiff and/or to contractors on job sites on which Plaintiff worked, asbestos products, including but not limited to asbestos block, pipe covering and insulation materials.

4. The Defendants in the instant matter are those listed in the above captioned. In addition, Plaintiff has named Defendant, METROPOLITAN LIFE INSURANCE COMPANY, which was not named in Plaintiffs' Master General Long Form Complaint, No. 89-90000-11-2.

Defendant, METROPOLITAN LIFE INSURANCE COMPANY, is an insurance company organized and existing under the laws of the State of New York, has its principal place of business in the State of New York and at all times material hereto was doing business in the Commonwealth of Pennsylvania. It is sued for its conduct and omissions as a consultant to certain defendants.

5. Plaintiff-worker's asbestos exposure history, including to the extent possible at this time, the asbestos manufacturers and products to which Plaintiff-worker was exposed; and the inclusive dates of exposure and job site(s) is attached hereto as Exhibit I.

6. Plaintiff-worker first learned of his asbestos-related disease, pleural thickening on or about November 1, 2000 from Dr. Richard H. Katz. Plaintiff-worker first became aware of his asbestos-related disease only after the diagnosis date.

7. Plaintiff-worker's history of tobacco use is as follows:

Plaintiff smoked less than two packs of cigarettes per day from 1953 until quitting in 1973.

8. A claim for lost wages is not asserted at this time, but may become viable in the future.

9. The following persons are dependent upon Plaintiff-worker for support:

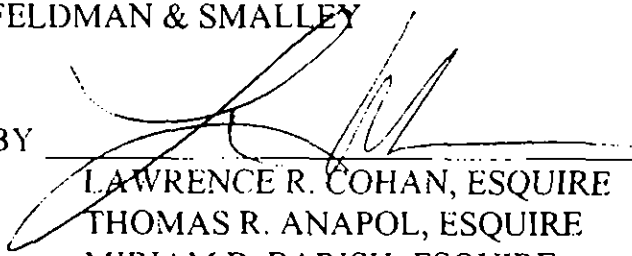
a. Mary Anne Whelan

10. Plaintiffs hereby certify through their undersigned counsel that they have brought no other claim in a court of law for their asbestos caused injuries.

WHEREFORE, Plaintiffs, Michael Whelan and Mary Anne Whelan, pray for judgment against the defendants and each of them individually, jointly and/or severally on each of the above Counts, for compensatory damages in an amount in excess of FIFTY-THOUSAND DOLLARS (\$50,000.00) and (except on Count IV), punitive damages in a sum in excess of FIFTY-THOUSAND DOLLARS (\$50,000.00) plus costs of suit and such other and further relief as is just and proper.

ANAPOL, SCHWARTZ, WEISS, COHAN
FELDMAN & SMALLEY

BY



LAWRENCE R. COHAN, ESQUIRE
THOMAS R. ANAPOL, ESQUIRE
MIRIAM B. BARISH, ESQUIRE
HEATHER J. LIPSON, ESQUIRE
MARGARET A. BARRY, ESQUIRE

MICHAEL WHELAN
EXHIBIT I
(PLAINTIFF-WORKER'S WORK HISTORY)

Commencement Date	Cessation Date	Employer Location	Social Security Number	Job Description	Asbestos Manufacturers Products
1954	1955	SMS Auto Parts	202-28-9304	Refined and grinded Brake Shoes/Brake Linings	See detailed description in Plaintiff's Master Long Form Complaint
1955	1967	FH Sparks Job Sites: Old and New Construction/ Liberty Place Building I & II/ Pen Center's Municipal Building/ Sunoco Refinery/ Gulf Refinery/ Rohm & Haas/ Merck/ City Hall Boiler Room/ 30th Street Station/ Phila. Navy Ship Yard/Ford Plant, Ft. Washington, PA/ Chrysler Plant, Delaware	" "	Finisher Ornamental Iron Worker/ Foreman	" "
1967	1995	Steinman Glass	" "	Iron Worker	" "

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____

^A
MICHAEL WHELEN, SR., being duly sworn according to law, deposes and
says that the facts set forth in the foregoing COMPLAINT are true and correct to the best of
his knowledge, information and belief.

BY: X *Michael Whelan*
MICHAEL WHELEN, SR.
^A

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 5th DAY

OF JUNE, 2002

Kenneth L. Murray

My Commission Expires: _____

NOTARIAL SEAL
Kenneth L. Murray, Notary Public
City of Philadelphia, Philadelphia County
My Commission Expires Apr. 9, 2006